

Congress of the United States
Washington, DC 20515

August 7, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: AWS III Auction

Dear Chairman Martin,

As you know we are supportive of the Commission's decision to consider directing the winner of the AWS III auction to provide a free nationwide wireless broadband service to 95% of the country within ten years. We have also introduced the *WIN For Families Act*, H.R. 5846 that is similar to the Commission's proposal. We agree with you that promoting universal broadband is an urgent national priority. However, we are concerned that incumbent wireless carriers are seeking unnecessary and unprecedented testing delays to prevent new innovative competitors from entering the market.

By every measure, the U.S. is losing the international broadband race and our competitiveness as a nation is at stake. According to a study released last month by the Pew Internet & American Life Project, more than 100 million Americans do not have broadband at home. 62% of Americans living in rural areas do not have broadband. 57% of African Americans do not have broadband at home. We believe that this proposal will spur competition and foster innovation at a time when our broadband penetration rankings are a dismal 16th in the world.

Opponents to the Commission's proposal and our legislation have raised interference concerns. Specifically, they claim that unpaired Time Division Duplexing (TDD) or paired Frequency Division Duplexing (FDD) operations in the 2.1 GHz cannot coexist without substantial interference. The British Office of Communications (Ofcom) examined TDD/FDD interference issues in the 2500 MHz bands this past April and concluded that both services can operate on adjacent spectrum without causing substantial interference.

We are concerned that unnecessary interference testing would needlessly delay this auction and that this constitutes the very rationale to kill this effort totally. We urge you to carefully consider the existing precedent before making your determination.

Sincerely,



Anna G. Eshoo
Member of Congress



Edward J. Markey
Member of Congress

cc: Honorable Michael J. Copps, Commissioner
Honorable Jonathan S. Adelstein, Commissioner
Honorable Deborah Taylor Tate, Commissioner
Honorable Robert M. McDowell, Commissioner